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SENATE BILL 1076

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO DOMESTIC VIOLENCE; EXPANDING THE DEFINITION OF  
"DOMESTIC VIOLENCE OFFENDER" FOR PURPOSES OF THE DOMESTIC  
VIOLENCE OFFENDER TREATMENT FUND; AMENDING AND REPEALING  
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-12-12 NMSA 1978 (being Laws 2003,  
Chapter 387, Section 2) is amended to read:

"31-12-12. DOMESTIC VIOLENCE OFFENDER TREATMENT FUND  
CREATED--APPROPRIATION--PROGRAM REQUIREMENTS.--

A. The "domestic violence offender treatment fund"  
is created in the state treasury. All fees collected pursuant  
to the provisions of Section [~~1 of this~~] 31-12-11 NMSA 1978  
shall be transmitted monthly to the department of finance and  
administration for credit to the domestic violence offender

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1 treatment fund.

2 B. Balances in the domestic violence offender  
3 treatment fund are appropriated to the children, youth and  
4 families department to provide funds to domestic violence  
5 offender treatment programs to defray the cost of providing  
6 treatment to domestic violence offenders. Unexpended or  
7 unencumbered balances remaining in the fund at the end of any  
8 fiscal year shall not revert to the general fund.

9 C. Payment out of the domestic violence offender  
10 treatment fund shall be made on vouchers issued and signed by  
11 the secretary of children, youth and families upon warrants  
12 drawn by the department of finance and administration.

13 D. In order to be eligible for money from the  
14 domestic violence offender treatment fund, a domestic violence  
15 offender treatment program shall include the following  
16 components in its program:

17 (1) an initial assessment to determine if a  
18 domestic violence offender will benefit from participation in  
19 the program;

20 (2) a written contract, which must be signed  
21 by the domestic violence offender, that sets forth:

22 (a) attendance and participation  
23 requirements;

24 (b) consequences for failure to attend  
25 or participate in the program; and

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1 (c) a confidentiality clause that  
2 prohibits disclosure of information revealed during treatment  
3 sessions;

4 (3) strategies to hold domestic violence  
5 offenders accountable for their violent behavior;

6 (4) a requirement that group discussions are  
7 limited to members of the same gender;

8 (5) an education component that:

9 (a) defines physical, emotional, sexual,  
10 economic and verbal abuse and techniques for stopping those  
11 forms of abuse; and

12 (b) examines gender roles,  
13 socialization, the nature of violence, the dynamics of power  
14 and control and the effects of domestic violence on children;

15 (6) a requirement that a domestic violence  
16 offender not be under the influence of alcohol or drugs during  
17 a treatment session;

18 (7) a requirement that the program provide  
19 monthly written reports to the presiding judge or the domestic  
20 violence offender's probation or parole officer regarding:

21 (a) proof of the domestic violence  
22 offender's enrollment in the program;

23 (b) progress reports that address the  
24 domestic violence offender's attendance, fee payments and  
25 compliance with other program requirements; and

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1 (c) evaluations of progress made by the  
2 domestic violence offender and recommendations as to whether or  
3 not to require the offender's further participation in the  
4 program; and

5 (8) a requirement that the term of the program  
6 be at least fifty-two weeks.

7 E. Counseling for couples shall not be a component  
8 of a domestic violence offender treatment program.

9 F. As used in this section, "domestic violence  
10 offender" means a person:

11 (1) [~~a person~~] convicted for an offense  
12 pursuant to the provisions of the Crimes Against Household  
13 Members Act; [~~or~~]

14 (2) [~~a person~~] convicted for violating an  
15 order of protection granted by a court pursuant to the  
16 provisions of the Family Violence Protection Act;

17 (3) referred to a domestic violence offender  
18 treatment program by a domestic violence special commissioner;

19 or

20 (4) who voluntarily participates in a domestic  
21 violence offender treatment program."

22 Section 2. REPEAL.--Sections 34-15-1 and 34-15-2 NMSA  
23 1978 (being Laws 2003, Chapter 94, Sections 1 and 2) are  
24 repealed.

25 Section 3. EFFECTIVE DATE.--The effective date of the  
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1 provisions of this act is July 1, 2007.

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